
Milton Evergreen Cemetery
BY-LAWS

Milton Evergreen Cemetery

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Established 1880

Milton Evergreen Cemetery is owned and operated by Milton Cemetery Company, serving Milton and district for more than a century. It is a non-profit company owned by rights holders and administered by an elected volunteer board.

By-laws Revised 2012

INTRODUCTION

Milton Evergreen Cemetery is owned and operated by the Milton Cemetery Company, which was incorporated as a non-profit cemetery company in 1880. Holders of Interment Rights are equal voting partners in the Cemetery company.

The Cemetery is administered by a Board of Directors and the day-to-day administration and operation of the office and grounds is handled by the Secretary-Treasurer and the Grounds Care Superintendent.

Members of the Cemetery Board are Interment Rights Holders and are elected at the annual meeting, usually held in March or April. They hold office for terms of four years and are eligible for re-election.

The Secretary-Treasurer or Superintendent and Chairman or his/her representative have the right to make final and binding decisions on behalf of the Cemetery Board in matters of urgency.

Milton Evergreen Cemetery is designed as a passive public park area and is open to the public from 8 a.m. to dusk. Visitors are encouraged to enjoy the beauty of the area and to treat the area with respect, keeping in mind the situation in which other visitors come.

By-laws are subject to review and revision from time to time and the latest by-laws are enforced. Interment Rights Holders are urged to insure their current address is recorded with the Cemetery office.

ARTICLE 14 - TARIFF OF RATES

14.1. Adoption – By the Board of Directors

Subject to the Act, the Board may from time to time adopt a Tariff of Rates to regulate the fees and charges to be paid by persons purchasing interment rights in the Cemetery or other products or services of the Cemetery.

ARTICLE 15 - ENFORCEMENT

15.1. Penalty

Where a specific penalty is not provided for an offense under the Act, any person who contravenes any of the provisions of this by-law shall, upon conviction, be liable for a fine as provided for in the Provincial Offenses Act.

Approved by Board of Directors July 1st, 2012

shall remove materials and equipment immediately upon completion of the work. The site shall be left in a clean, orderly condition.

11.2. Upright Markers – In Disrepair

If an upright marker or flush marker presents a risk to public safety because it is unstable, the Grounds Care Superintendent shall do whatever he deems necessary by way of repairing, resetting or laying down the upright marker so as to remove the risk. Further work to repair or replace the marker may be done at the discretion and sole cost of the Interment Rights Holder subject to approval of the Cemetery.

11.3. Upright Memorial – Care

In accordance with the Act and as described in the Tariff of Rates, a prescribed amount shall be paid into the Care and Maintenance Fund of the Cemetery upon the installation of a flat marker or a foundation for a monument.

Purchasers of markers and monuments are responsible for all levies outlined in these By-laws and set forth in the Tariff of Rates. Such fees must be paid in advance of the installation of a marker or the pouring of a foundation for a monument.

ARTICLE 12 - CREMATION SECTIONS

12.1. Interment – Placement of Cremated Remains

An interment, placement, inurnment or removal of cremated remains shall be performed by Cemetery employees. The fees for such placements are set out in the Tariff of Rates.

In 3'x5' (0.91m x 1.52m) cremation graves on which upright markers are allowed, up to four (4) cremated remains are allowed. In 2'x3' (0.61m x 0.91m) cremation graves one (1) cremated remain is allowed. In columbarium niches a maximum of two (2) cremated remains are allowed.

12.2. Columbarium Inscriptions

Only the Cemetery can be contracted to place an inscription on the face of the columbarium niche.

There shall be no attachments, or placement of decorations on the columbarium.

ARTICLE 13 - REQUESTS FOR SERVICE

13.1. Cemetery Office

Any person or Funeral Director having a request for service shall make arrangements at the Cemetery office.

13.2. Temporary Markers

Temporary markers are allowed on any unmarked grave.

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once in late fall. These foundations will be installed as weather and ground conditions permit. All foundations order forms must be delivered to the cemetery office along with payment in full at least one week prior to the installation date. Foundation forms are available from the cemetery office and must be completed in full showing all dimensions.

10.4. Upright Memorials – Size Limitations

No upright memorial shall be erected on any lot unless the following regulations are met:

<u>No. of Graves</u> <u>Height</u>	<u>Die Thickness</u> <u>(Base Incl.)</u>	<u>Max. Width</u> <u>(Base Incl.)</u>	<u>Max.</u>
1 (106.68cm)	Min. 8” (20.32cm)	30” (76.2cm)	42”
2 (121.92cm)	Min. 8” (20.32cm)	72” (182.88cm)	48”
3 (or more) (121.92cm)	Min. 8” (20.32cm)	75% of lot width	48”

Bases for upright memorials must be no less than 6” (15.24cm) in height. Bases for upright memorials must be 3” (7.62cm) wider and longer than the die stone.

Exceptions to the die thickness rule are statues and crosses which are incorporated within the upright memorial. These items must not be less than 4” (10.16cm) in thickness and must be attached with at least one (preferably two) stainless steel rods that are ¾” (1.91cm) in diameter and that would go at least 3” (7.62cm) into the attachment and at least 3” (7.62cm) into the die or base stone and be secured by an epoxy-like compound.

10.5. Inscriptions

No letter or design work will be allowed on the back of upright memorials unless the interment rights on both sides of the upright memorial are owned by the same rights holder. No inscription shall be placed on any memorial which is not in keeping with the dignity and decorum of the cemetery as determined by the Cemetery.

10.6. Construction – Granite Required

Upright memorials (including bases) are to be constructed wholly of granite. Attachments of other materials such as bronze are allowed but must be permanently attached. It is the responsibility of the rights holder to insure that these attachments are of a permanent nature. Field stones are not allowed.

ARTICLE 11 - ERECTION OF UPRIGHT MARKERS

11.1. Turf – Protection

Those persons engaged in the placing of, repairing of, or inscribing of upright markers shall provide planking and/or other protective materials adequate to protect turf and

The flush marker would be centered at the head of grave unless an upright memorial is installed, in which case the flush marker would be centered at the foot of the grave.

Adult Graves 4'x9' (1.22m x 2.74m)

Maximum size of marker:

Single grave: 18"x24"x4" (45.72cm x 60.96cm x 10.16cm)

Double grave: 18"x48"x4" (45.72cm x 121.92cm x 10.16cm)

The flush marker would be centered at the head of grave unless an upright memorial is installed, in which case the flush marker would be centered at the foot of the grave.

9.5. Outstanding Charges – To be paid

No flush markers shall be installed upon a lot unless the purchase price and any other outstanding charges for such lot have been paid in full.

9.6. Uniform Thickness

All flush markers shall be of a uniform thickness of 4" (10.16cm)

9.7. Delivery – Installations

All flush markers shall be delivered to a location designated by the Grounds Care Superintendent and such flush markers shall be set in place by Cemetery employees. The charge shall be as set forth in the Tariff of Rates. Such flush markers shall be accepted between April 15 and November 15 in any year.

Flush markers will be installed within five (5) working days of the date of delivery when possible.

9.8. Removals

All removals and reinstallation of flush markers shall be completed by Cemetery staff.

ARTICLE 10 - UPRIGHT MEMORIALS

10.1. Outstanding Charges – To be paid

No upright memorials shall be installed upon a lot unless the purchase price and any other outstanding charges for such lot have been paid in full.

10.2. Location

Where upright memorials are allowed they will be centered at the head end of the lot. Not more than one upright memorial is allowed on a plot. If the rights holder owns more than one adjacent lot in a multiple-lot section only one upright memorial is allowed over all of the adjacent graves owned. In some of the older sections of the cemetery the location of the upright memorial may be changed where alignment with existing memorials is necessary.

10.3. Foundations – Installation

Cemetery staff will install foundations for upright memorials. These foundations are normally installed three times each year; once in the spring, once in mid-summer and

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ARTICLE 1 - DEFINITIONS, APPOINTMENTS, AND DUTIES

1.1. Definitions

In this chapter Act means the Funeral, Burial and Cremation Services Act, 2002 and its successor Acts;

“**By-laws**” mean the rules under which the Milton Evergreen Cemetery Company operates;

“**Board**” means the Board of Directors of Milton Evergreen Cemetery as elected by interment rights holders in accordance with Milton Evergreen Cemetery’s constitution;

“**Cemetery**” means Milton Evergreen Cemetery and any future lands purchased by the Board for the purpose of cemetery use; “**columbarium**” means a structure designed for the purpose of interring cremated human remains in compartments;

“**Grounds Care Superintendent**” is the individual in charge of day to day maintenance of the cemetery;

“**Interment Rights Holder**” means the person who holds the interment rights with respect to a lot whether the person be the purchaser of the rights, the person named in the certificate of interment or such other person to whom the interment rights have been assigned;

“**Lot**” means an area of land in a cemetery containing, or set aside to contain, human remains and includes a tomb, crypt or compartment in a mausoleum and a niche or compartment in a columbarium and any other similar facility or receptacle;

“**Marker**” means any monument, tombstone, plaque, headstone, cornerstone or other structure or ornament affixed to intended to be affixed to a burial lot, mausoleum crypt, columbarium niche or other structure or place intended for the deposit of human remains;

“**Plot**” means two or more lots in respect of which the rights to inter have been sold as a unit;

“**Secretary-Treasurer**” is the official appointed by the Board of Directors to manage the day to day operations of the cemetery;

“**Tariff of Rates**” means the current price list for products and services of the Cemetery as approved from time to time by the Board.

1.2. Appointments

The Board of Directors shall appoint a Secretary-Treasurer and a Grounds Care Superintendent as required.

1.3. Duties

The Secretary-Treasurer is responsible for all records, sale of interment rights, plot plans and the day to day operation of the cemetery, compliance with the provisions of the Act and performing other such duties as the Board may from time to time require.

8.9. Damage – Limitations of Liability

The Cemetery shall not be responsible for any damage to lots and structures or objects therein, or flowers or articles removed from a grave except for damage shown to be caused by a cemetery employee. The cemetery shall not be responsible for any damage to upright markers unless caused by a cemetery employee in the course of his work.

ARTICLE 9 - FLUSH MARKERS

9.1. Flush Markers – Defined and Approval

In this article, “flush marker” means a granite marker or a bronze marker attached to a 4” (10.16cm) thick granite base which is level with the ground. All markers and monuments must be approved by the Cemetery prior to installation.

9.2. Construction – Granite or Bronze Required

All grave memorials of any kind erected in the Cemetery shall be constructed wholly of granite or bronze. No other materials shall be placed on any memorial.

9.3. Construction – Other – Removal

Memorials installed in the cemetery which are found to be in contravention of the by-law shall be ordered removed. The Secretary-Treasurer or designate will contact the Interment Rights Holder (or agent) at their last known address, of the contravention and the Interment Rights Holder, or agent, shall be given thirty (30) days within which he/she must comply with the by-law. If the contravention is not corrected within this time period, the Secretary-Treasurer or designate may have the memorial removed at the expense of the Interment Rights Holder, or agent.

9.4. Location

Cremation Graves 2’x3’ (0.61m x 0.91m)

Maximum size of marker:

Single grave: 14”x20”x4” (35.56cm x 50.80cm x 10.16cm)

Double grave: 14”x42”x4” (35.56cm x 106.68cm x 10.16cm)

The flush marker would be centered at the foot of the grave. If two or more cremation graves are purchased then the flush marker could be centered over all graves held by the rights holder.

Infant Graves 2’x3’ (0.61m x 0.91m)

Maximum size of marker:

Single grave: 14”x20”x4” (35.56cm x 50.80cm x 10.16cm)

Double grave: 14”x42”x4” (35.56cm x 106.68cm x 10.16cm)

The flush marker would be centered at the foot of the grave. If two or more infant graves are purchased then the flush marker could be centered over all graves held by the rights holder.

Child Graves 3’x7’ (0.91m x 2.13m)

Maximum size of marker:

Single grave: 18”x24”x4” (45.72cm x 60.96cm x 10.16cm)

Double grave: 18”x48”x4” (45.72cm x 121.92cm x 10.16cm)

8.2. Structures – Limitations

Borders on flower gardens are allowed if made of concrete or granite. Stone chips, fences, benches, structures of wood, “candles” and containers of glass, or other equally perishable and destructible materials are prohibited and shall be removed without notice.

8.3. Floral Tributes – Removal

Floral tributes shall be removed from plots by the Grounds Care Superintendent after they become unsightly.

8.4. Flower Beds

Flower beds are permitted at the head (monument end) of the grave, extending a maximum of 16” (40.64cm) from the front of the monument. If there is no monument, flower beds shall be placed where the monument would ordinarily be. The flower bed may extend the full width of the grave(s), however, it must not encroach upon the corner stones or neighbouring graves. Any flower bed not being properly maintained will be removed by the cemetery staff. In matter of dispute, the Grounds Care Superintendent’s opinion shall prevail.

8.5. Granite Inserts

Where no flower-bed is planted in front of the upright memorial, a granite insert may be placed level with the surrounding ground. The granite must be 6” (15.24cm) thick, not wider than 16” (40.64cm) and limited to the width of the monument base. This granite insert must be installed by the cemetery and the Interment Rights Holder must be aware that additional charges as described in the Tariff of Rates will be levied for removal and replacement in preparation for and following any interment in that plot. Interment Rights Holders may have up to two (2) in-ground type flower vases incorporated within the granite insert. Interment Rights Holders may also have up to two (2) bronze candles permanently attached to the top of the granite insert.

8.6. Shrubs

Dwarf trees and shrubs are allowed on lots when planted beside (in line with) the monuments. Only dwarf or ornamental types are allowed, and they must not grow higher than the monument or encroach on any neighbouring lands. Cemetery staff has the right to trim or remove any trees or shrubs of any parts thereof, which are unsightly or detrimental without notice.

8.7. Artificial Flowers/Arrangements

Artificial or silk flowers, arrangements and or wreaths may be placed and remain on graves, upright markers and flush markers from November 1 to April 15 only. Only one such arrangement or wreath shall be permitted on any single lot. No plastic or other type of covering is permitted on artificial wreaths or artificial flowers. If such decorations are not removed by April 16 they shall be considered abandoned and may be disposed of by cemetery employees.

8.8. Covering of Graves – Planting

All grading, sodding, seeding, top dressing, fertilizing, covering of graves, shall be done by authorized Cemetery personnel.

The Grounds Care Superintendent is responsible for the ongoing maintenance of the Cemetery property, making all graves, insuring the opening and closing of all crypts and niches, being readily available or represented at all funerals held in the Cemetery, insuring all graves are filled in after interment and performing other such duties as the Board may from time to time require.

1.4. Board Duties

The Board may, from time to time, change the Tariff of Rates, the By-laws and any other operational procedure in order to best serve the interests of the interment rights holders, the Cemetery and the public. Changes to the By-laws shall be posted at the Cemetery, published in a local newspaper and approved by the Registrar of the Act in accordance with the Act.

ARTICLE 2 - RULES AND REGULATIONS

2.1. Entry – Limitations

No person shall enter the Cemetery property except through an established entrance. Nor shall they enter or be within the Cemetery before dawn or after sundown. Police and authorized staff are exempted.

2.2. Adult Supervision

No person under the age of 12 years shall enter the Cemetery unless attended by an adult responsible for their conduct or until permission to enter has been obtained at the Cemetery office.

2.3. Gratuities – Prohibited

No gratuities shall at any time be given to an officer or employee of Milton Evergreen Cemetery Company nor shall any reward be given for any personal service or attention.

2.4. Bicycles – Restricted

Bicycles shall be permitted only on Cemetery roads and must be operated at a speed less than 10 km/hr.

2.5. Skateboards, In-line skates – Prohibited

The use of skateboards and in-line skates is not permitted on Cemetery property.

2.6. Animals – Restricted

No person shall permit any animal, including dogs, to enter or remain in the Cemetery. Service animals, properly identified, are exempted.

2.7. Alcoholic Beverages – Prohibited

No person shall bring any alcoholic beverage upon Cemetery property.

2.8. Damage

No person shall:

- a) damage any marker, columbarium, or structure within the Cemetery;
- b) damage any tree, shrub, plant or flowers (be they private or public property) within the limits of the Cemetery;
- c) damage any fence, railing, or gate used for the protection of the Cemetery;
- d) play any game or sport on Cemetery property;
- e) discharge any firearms (save at a military funeral);
- f) disturb any person or persons assembled for the interment of any person; or
- g) create a nuisance in the Cemetery.

2.9. Debris

No person shall deposit rubbish on the grounds of the Cemetery except in the receptacles provided.

2.10. Soliciting

Soliciting in the Cemetery is strictly prohibited save for the placement of identifying memorial tags. Such tags shall be placed at the left near bottom edge of the upright marker between the die and the base. The exposed area of the tag shall not exceed 3" (7.62cm) in width and 1.5" (3.81cm) in height. Such tags will only be permitted on upright markers.

2.11. Direction – Control

All workers in any capacity within the Cemetery, whether as masons, carvers, stonecutters, erection helpers, excavators, etc. are subject to the direction and control of the Grounds Care Superintendent.

2.12. Vehicular Traffic – Restrictions

The Grounds Care Superintendent may restrict vehicular access to the Cemetery when the roads are soft or otherwise impassable.

2.13. Vehicular Traffic – Speed Limit

No person driving a vehicle in the Cemetery shall:

- a) leave the travelled portion of the road; or
- b) exceed a speed of 15 km/h.

2.14. Staff Requirements

Cemetery staff or authorized personnel only, may perform the following services within the Cemetery:

- a) all interments, inurnments, entombments and marking out of graves; and
- b) installation of all monument foundations, flush markers, in-ground vases and in-ground lamps.

2.15. Outside Contractor Requirements

- a) Contractors working in the Cemetery are required to supply evidence of adequate insurance including public liability and property damage, and including confirmation that there is a maximum \$1,000 deductible applicable

committal service be held elsewhere and the body placed in temporary storage. The burial shall be made as soon after the day of the funeral as conditions permit.

ARTICLE 7 - DISINTERMENT

7.1. Approval Under the Act

No disinterment of human remains shall take place except under the conditions specified in the Act (2006, c.34, Sched.D, s.69; 2002, c.33 s.102.1 and O.Reg. 30/11, s.162)

7.2. Conditions

Disinterment shall be made only when conditions are suitable to guarantee that a safe removal can take place except as ordered by the Coroner's Office. At least seven (7) days' notice must be given for disinterment, to allow time for necessary documentation and approvals. No member of the public or the deceased's family may be present during a disinterment. No persons other than required medical officials, funeral directors, cemetery staff, law enforcement officers or persons contracted to disinter shall be allowed on the cemetery grounds during any disinterment. To this end, the cemetery gates will be locked and staff will be posted to ensure that this regulation is enforced.

7.3. Disinterment Charges

Charges for disinterment will be shown in the approved Tariff of Rates, plus any extraordinary expenses.

7.4. Private Memorials – Removal of

Any flush or upright markers designating the location of an interment shall be removed at the time a disinterment is made at the expense of the Interment Rights Holder. Any loss of monument foundations as a result of cave-ins due to disinterment procedures will be replaced at the expense of the Interment Rights Holder or agent requesting the disinterment.

ARTICLE 8 - LOT DECORATIONS

8.1. Defined – Exceptions/Limitations

Lot decorations shall be deemed to include all structures, ornaments, plantings, or other embellishments, with the exception of flush or upright markers which are placed on cemetery lots with the intention of improving their appearance. Because certain types of individual lot decorations are not in harmony with the development of the cemetery as a whole, or because they may intensify maintenance, the rules found in Article 8 shall be observed with regard to the decoration of cemetery lots. No lot decorations, markers or monuments shall be placed on a lot if outstanding charges remain on the lot.

6.3. Grave Opening – Notice

Under normal circumstances when the opening of a grave is required, not less than 48 hours notice of such requirement shall be given to the Secretary-Treasurer by the Interment Rights holder or the Interment Rights Holder's agent of the interment rights upon which the grave is to be opened. For the purposes of this section, Saturdays, Sundays and holidays shall not be considered in the notice period.

6.4. Funerals – Conditions

All funerals within the cemetery shall be under the jurisdiction of the Grounds Care Superintendent or designate. No funeral service shall be held and no interment shall be made in the cemetery on New Year's Day, Good Friday, Easter Sunday or Christmas Day, except pursuant to an Order of the Regional Medical Officer of Health.

6.5. Funerals – Late – Additional Fee

Funerals arriving late in the cemetery grounds after 3 pm will be charged an additional fee as set forth in the Tariff of Rates.

6.6. Location of Graves – Error

The Company shall not assume any responsibility for errors in the location of graves when improper instructions have been given by the interment rights holder or designate. All costs resulting from improper instructions received will be charged to the consumer who signed the service contract.

6.7. Multiple Interments – Limitations

No more than one (1) casket burial may be made in any one 4'x9' (1.22m x 2.74m) adult grave. Cremated remains to a maximum of three (3) may be buried above the casket burial in any one grave. A maximum of four (4) cremation burials may be made on any adult grave where no casket burial will take place. In infant, child or indigent graves only one (1) interment is allowed.

6.8. Interment Equipment

No interment equipment except that provided by the Cemetery shall be used except in the case of burial vaults which shall be installed by the supplier who shall use his/her own equipment. The supplier shall be responsible for any damage to the grounds or casket which was caused due to the supplier's equipment or operator error.

6.9. Elevated Mounds – Prohibited

No elevated mounds shall be built over graves.

6.10. Soft Ground – Alternative Arrangements

At times when the ground is soft from spring thaws, rain or other cause or where personal safety is at risk, committal services shall be held in an appropriate place instead of at the grave.

6.11. Temporary Storage – Burial Delayed

If for any reasons the Grounds Care Superintendent or Secretary-Treasurer determines that a burial cannot be made on the day of the funeral, they may direct that the

to each claim under this policy. The Cemetery will also require evidence of the contractor being in good standing with the Workers' Compensation Board.

- b) All Contractors are required to work in full compliance with the Occupational Health and Safety Act and its regulations.
- c) When any monument, marker or other type of memorial of any kind is to be removed, or an inscription made or cleaning done, prior permission in writing must be obtained from the Cemetery. Application for such permission shall be made in writing by the Interment Rights Holder of the lot, with a description of the work proposed. Advance notice of at least 24 hours must be given, to avoid conflict with cemetery maintenance work or interment.
- d) Contractors working on the grounds during wet conditions may be required to use motorized carts or planking to reach the work-site.
- e) Workers must cease work if in the immediate vicinity of an interment, from the time of the arrival of the procession until the conclusion of the service. Contractors will not be allowed on the grounds in the evening after 3 pm, unless by special permission of the Grounds Care Superintendent.
- f) Contractors and their workers must conduct themselves in a manner which is in keeping with the dignity of the cemetery setting and shall abide by any restrictions imposed by the Grounds Care Superintendent or Secretary-Treasurer.

ARTICLE 3 - SALE OF INTERMENT RIGHTS

3.1. Interment Rights and Cemetery Services

All charges for interment rights and cemetery services sold are due in full prior to any interment.

3.2. Interment (grave opening) not sold in advance

Interments shall not be sold in advance of need.

ARTICLE 4 - TARIFFS AND PAYMENTS

4.1. Tariff of Rates

The purchase price of lots and niches (otherwise known as interment rights) and other products and services of the Cemetery shall be set forth in the Tariff of Rates as prescribed by the Board from time to time and shall include deposits to the Care and Maintenance Trust Fund as required under the Act

4.2. Payments

Payments are to be made to Milton Evergreen Cemetery and will be accepted at the Cemetery office.

A Certificate of Interment Rights shall be issued after payment has been received in full. Unless the full purchase price of the contract in a pre-need purchase is paid in full within twelve months after the application for purchase is made, the contract shall be null and

void and of no further effect and all monies paid by the applicant shall be refunded by the Company, subject to an administrative fee of 10% being retained.

No markers shall be installed upon a lot, or work done on existing markers, if any charges remain outstanding against the lot.

4.3. Purchase – Limitations

No person, group, company or organization shall be entitled to hold the interment rights for more than 12 unused grave spaces.

4.4. Non-Resident Surcharge

A surcharge of 50% will be levied to any person who does not reside in, or has not resided or owned property within the town limits.

ARTICLE 5 - TRANSFER/SALE OF INTERMENT RIGHTS

5.1. Resale of Interment Rights

Interment or scattering rights may be resold by the Interment Rights Holder to a third party, subject to the provisions of the Act, including:

- a) The interment or scattering right must not have been exercised. Restated, this means that if any lot or portion of a plot contains a burial or cremated remains then third party resale of the entire plot is prohibited
- b) The sale price cannot exceed the Cemetery's current price for that interment or scattering right
- c) The Interment Rights Holder must supply to the purchaser the information required by the Act, including:
 - i. An interment or scattering rights certificate endorsed by the current Rights Holder selling the interment or scattering rights
 - ii. A copy of the current Cemetery By-laws
 - iii. A written statement indicating the number of lots or scattering rights included in the plot and confirmation that none have been exercised.
 - iv. Any other documentation in the Rights Holder(s) possession relating to the rights
- d) The Interment Rights Holder must supply to the Cemetery the following, as required by the Act, including:
 - i. The endorsed interment or scattering rights certificate
 - ii. All other information the Cemetery deems necessary in order to issue a new interment or scattering rights certificate and register the sale on the Cemetery records
 - iii. Payment of the required Transfer fee as specified in the Tariff of Fees
- e) The interment or scattering rights must be registered at the Cemetery in accordance with the Act and Article 5.2 of this By-law.

Note that Section 47(3) of the Act expressly prohibits speculation in the purchase or sale of interment or scattering rights. The Cemetery reserves the right to request

documentation that the resale price does not exceed the current Tariff of Rates price for the interment rights and may withhold registration of the transfer of rights until such time as they are satisfied that the requirements of the Act are met.

The Cemetery may also, at its sole discretion, repurchase interment and/or scattering rights from rights holders at a mutually agreeable price (not to exceed the current price as listed in the Tariff of Fees).

5.2. Transfer of Interment Rights

Interment rights may be transferred subject to the requirements of the Act by making application to the Secretary-Treasurer and:

- a) Providing sufficient evidence that the rights are being transferred without cost or;
- b) Providing the evidence required for resale in Section 5.1
- c) Completing the transfer portion of the Interment Rights Certificate and,
- d) Payment of the transfer fee as prescribed in the Tariff of Fees

ARTICLE 6 - INTERMENT

6.1. Burial Permit – Cremation Certificate Required

No interment shall take place without a Burial Permit or a Cremation Certificate as is applicable, nor until the person making arrangements for the interment has complied with all laws, rules and regulations relative to burials. Persons contracting for interment rights and or making arrangements for burials shall be responsible for all charges incurred.

6.2. Interment – Conditions

No interment, entombment, inurnment or scattering on any grave or placement of ashes in any niche unless and until the person/persons ordering same shall first exhibit:

- a) a signed contract respecting the purchase of the interment right, or columbarium niche and the authorization to proceed with the interment or inurnment; or
- b) an Interment Rights Certificate or indenture indicating the party is the rightful owner of the interment rights upon which the interment activity is requested; however, for indigent burials, approval of the Regional Social Services Department indicating that they will be responsible for the payment of such burial and the name of the case worker responsible will be required. Interment rights sold for indigent use will be selected in the flush marker section, by the Secretary-Treasurer or his designate.
- c) in those circumstance where the party requesting the interment activity is unable to provide evidence of ownership, the Secretary-Treasurer may require the party requesting the interment to sign a waiver saving the Company harmless from all subsequent claims from such interment activity.